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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:

Kent Alan Riddle d/b/a
Riddle Cattle Company,

Respondent

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P&S Dkt. No. D-99-0003

Decision Without Hearing by Reason of Default

This disciplinary proceeding brought pursuant to the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §181 *et seq.*), hereinafter the P&S Act, and the regulations promulgated thereunder (9 C.F.R. §201.1 *et seq.*), hereinafter the regulations, was instituted on October 6, 1998 by the Deputy Administrator, Packers and Stockyards Programs, Grain, Inspection, Packers and Stockyards Administration, United States Department of Agriculture, by a Complaint alleging that Respondent wilfully violated the P&S Act. The Complaint and a copy of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §1.130 *et seq.*), hereinafter the Rules of Practice, were placed in regular mail to respondent on November 5, 1998, when the attempts to serve Respondent by certified mail were unsuccessful. The copy of the complaint sent by certified mail was returned unclaimed on October 28, 1998. Accompanying the Complaint, Respondent was mailed a cover letter informing him that an Answer must be filed within twenty (20) days of service and that failure to file an Answer

would constitute an admission of all of the material allegations of fact in the Complaint and a waiver of the right to oral hearing.

Respondent did not file an answer within the time period required by section 1.136 of the Rules of Practice (7 C.F.R. §1.136), which constitutes an admission to all of the material allegations of fact in the Complaint. Complainant has moved for the issuance of a Decision Without Hearing by Reason of Default, pursuant to section 1.139 of the Rules of Practice (7 C.F.R. §1.139). Accordingly, this decision is entered without hearing or further procedure.

Findings of Fact

1. Kent Alan Riddle is an individual doing business as Riddle Cattle Company (hereinafter referred to as Respondent) with a mailing address of P.O. Box 129, Dale, Texas 78616.
2. Respondent is and at all times material herein was:
 - a. Engaged in the business of a dealer buying and selling livestock in commerce for his own account; and
 - b. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.
3. As set forth in section II(a) of the Complaint, Respondent issued insufficient funds checks for livestock purchases.
4. As set forth in section II(a) and (b) of the Complaint, Respondent failed to pay, when due, for livestock purchases.
5. As set forth in section II(b)(c) of the Complaint, Respondent failed to pay the full purchase price of livestock totaling \$100,165.24.

Conclusions

1. By reason of the facts set forth above in Findings of Fact 3, 4 and 5, Respondent wilfully violated Section 312(a) and 409 of the P&S Act (7 U.S.C. §§213(a), 228b)).

Accordingly, the following order is issued.

Order

Respondent, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the P&S Act, shall cease and desist from:

1. Issuing insufficient funds checks in payment for livestock purchases;
2. Failing to pay, when due, the full purchase price for livestock purchases; and
3. Failing to pay the full purchase price of livestock.

Respondent Kent Alan Riddle is hereby suspended as a registrant under the Act for a period of five (5) years. Provided, however, that upon application to the Packers and Stockyards Programs, a supplemental order may be issued terminating the suspension of the respondent at any time after 120 days upon demonstration by respondent that the livestock sellers identified by the complaint in this proceeding have been paid in full and provided further, that this order may be modified upon application to the Packers and Stockyards Programs to permit respondent's salaried employment by another registrant or a packer after the expiration of the 120 day period of suspension and upon demonstration of circumstances warranting modification of the order.

The provisions of this order shall become effective on the sixth day after service of this order on the respondent.

Copies hereof shall be served upon the parties

Done at Washington, D.C.

this 29 day of April, 1999


EDWIN S. BERNSTEIN

Administrative Law Judge